

Neiswonger and Shannon Neiswonger, that the sentencing currently scheduled for July 6, 2015 be vacated and continued until December 7, 2015, or a date thereafter convenient to the Court.

The Stipulation is entered into for the following reasons:

1. This is the seventh request to continue Mr. and Mrs. Neiswonger's sentencing in this matter. The first request was made through stipulation of the parties on June 7, 2013 (Docket Entry 24) and was granted by the Court on June 7, 2013 (Docket Entry 25). The second request was made through stipulation of the parties on September 25, 2013 (Docket Entry 26) and was granted by the Court on September 26, 2013 (Docket Entry 27). The third request was made through stipulation of the parties on December 23, 2013 (Docket Entry 30) and was granted by the Court on December 26, 2013 (Docket Entry 31). The fourth request was made through stipulation of the parties on March 14, 2014 (Docket Entry 32) and was granted by the Court on March 19, 2014 (Docket Entry 33). The fifth request was made through stipulation of the parties on June 18, 2014 (Docket Entry 41) and was granted by the Court on June 18, 2014 (Docket Entry 42). The sixth request was made through stipulation of the parties on December 4, 2014 (Docket Entry 43) and was granted by the Court on December 9, 2014 (Docket Entry 46).
2. The additional time requested herein is not sought for purposes of delay.
3. The United States and the defendants need more time to properly evaluate Mr. and Mrs. Neiswonger's full range of cooperation prior to sentencing. Wendell Waite, Mr. Neiswonger's co-defendant in Case No. 2:11-CR-00247-JAD-CWH, is set to stand trial on July 28, 2015 in Case No. 2:11-CR-00247-JAD-CWH. Mr. Neiswonger will be a witness in that trial and Mrs. Neiswonger is a potential witness. In addition, the Government expects to call Mr. Neiswonger as a witness in Wendell Waite's trial on October 19, 2015 in Case No. 2:13-cr-00354-JCM-PAL. Mrs. Neiswonger is a potential

witness in that case as well. Each case is likely to have a bearing on the Court's assessment of the nature and degree of Mr. and Mrs. Neiswonger's cooperation.

4. Mr. and Mrs. Neiswonger are continuing their cooperation with the Government, are gainfully employed, and are making significant monthly payments to the IRS and FTC.
5. Mr. and Mrs. Neiswonger's lead counsel, Solomon L. Wisenberg, needs additional time to investigate all of the sentencing factors contained in 18 U.S.C. §§ 3553(a) and 3661, particularly the nature and circumstances of the offense and the history and characteristics of Mr. and Mrs. Neiswonger, including their full cooperation, so that he can prepare a Sentencing Memorandum and otherwise effectively represent Mr. and Mrs. Neiswonger at the Sentencing Hearing pursuant to the Sixth Amendment. Mr. Wisenberg also represents Mr. Neiswonger in Case Number 2:11-CR-00247-JAD-CWH, which is related to the instant matter and is currently set for sentencing on the same date, and will be filing a Stipulation to Continue Sentencing in that case as well. Continuing the sentencing in both cases will conserve judicial, prosecutorial, and defense resources.
6. Denial of this request for continuance could result in a miscarriage of justice. It would deny defense counsel and the Government time and opportunity to effectively prepare for sentencing in this case. For all the above stated reasons, the ends of justice would best be served by a continuance of the sentencing date until December 7, 2015, or a date thereafter convenient to the Court.

DATED this 15th day of May, 2015.

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FINDINGS OF FACT

Based upon the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. This is the seventh request to continue Mr. and Mrs. Neiswonger's sentencing in this matter. The first request was made through stipulation of the parties on June 7, 2013 (Docket Entry 24) and was granted by the Court on June 7, 2013 (Docket Entry 25). The second request was made through stipulation of the parties on September 25, 2013 (Docket Entry 26) and was granted by the Court on September 26, 2013 (Docket Entry 27). The third request was made through stipulation of the parties on December 23, 2013 (Docket Entry 30) and was granted by the Court on December 26, 2013 (Docket Entry 31). The fourth request was made through stipulation of the parties on March 14, 2014

(Docket Entry 32) and was granted by the Court on March 19, 2014 (Docket Entry 33). The fifth request was made through stipulation of the parties on June 18, 2014 (Docket Entry 41) and was granted by the Court on June 18, 2014 (Docket Entry 42). The sixth request was made through stipulation of the parties on December 4, 2014 (Docket Entry 43) and was granted by the Court on December 9, 2014 (Docket Entry 46).

2. The additional time requested herein is not sought for purposes of delay.
3. The United States and the defendants need more time to properly evaluate Mr. and Mrs. Neiswonger's full range of cooperation prior to sentencing. Wendell Waite, Mr. Neiswonger's co-defendant in Case No. 2:11-CR-00247-JAD-CWH, is set to stand trial on July 28, 2015 in Case No. 2:11-CR-00247-JAD-CWH. Mr. Neiswonger will be a witness in that trial and Mrs. Neiswonger is a potential witness. In addition, the Government expects to call Mr. Neiswonger as a in Wendell Waite's trial on October 19, 2015 in Case No. 2:13-cr-00354-JCM-PAL. Mrs. Neiswonger is a potential witness. Each case is likely to have a bearing on the Court's assessment of the nature and degree of Mr. and Mrs. Neiswonger's cooperation.
4. Mr. and Mrs. Neiswonger are continuing their cooperation with the Government, are gainfully employed, and are making significant monthly payments to the IRS and FTC.
5. Mr. and Mrs. Neiswonger's lead counsel, Solomon L. Wisenberg, needs additional time to investigate the sentencing factors contained in 18 U.S.C. §§ 3553(a) and 3661, particularly the nature and circumstances of the offense and the history and characteristics of Mr. and Mrs. Neiswonger, so that he can prepare a Sentencing Memorandum and otherwise effectively represent Mr. and Mrs. Neiswonger at the Sentencing Hearing pursuant to the Sixth Amendment. Mr. Wisenberg represents Mr. Neiswonger in Case Number 2:11-CR-00247-JAD-CWH and will be filing a Stipulation

to Continue Sentencing in that case as well. Continuing the sentencing in both cases will conserve judicial, prosecutorial, and defense resources.

CONCLUSIONS OF LAW

1. Denial of this request for continuance could result in a miscarriage of justice. It would deny defense counsel and the Government time and opportunity to effectively prepare for sentencing in this case.
2. For all the above stated reasons, the ends of justice would best be served by a continuance of the sentencing date until December 7, 2015, or a date thereafter convenient to the Court.

ORDER

IT IS HEREBY ORDERED that the sentencing currently scheduled for July 6, 2015, be vacated and continued to Monday, December 7, 2015, at 9:00 a.m.

DATED this 18th day of May, 2015.



UNITED STATES DISTRICT JUDGE

Submitted by:

/s/
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NEISWONGER